HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition No.26634 of 1998

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Between:

M/s. Guntur District Milk Producers Mutually Aided Co.op Unit Limited, Vadlamudi, rep., by its Chairman and Managing Director

……Petitioner

And

The Agricultural Market Committee, Tenali, rep., by its Secretary and two others

……Respondents

:: ORDER ::

Counsel for the Petitioner : Shri G.Rama Rao for Shri Mandada Srinivasa Rao

Counsel for Respondent No.1 : Shri K.Madhava Reddy

November 17, 2006

Per G.S. SINGHVI, CJ

In this petition, the petitioner has prayed as under:

> "In the circumstances stated above, the petitioner prays that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction declaring the action of the Respondents in requiring the Petitioner to obtain licence and to pay Market fee on the Sale of ghee by the Petitioner maintaining records under Andhra Pradesh (Agricultural Produce and Livestock) Markets Act 1966 as illegal and arbitrary and without Jurisdiction and direct the respondents not to make such demands and consequently direct them to refund the collected amount of Rs.9,756/- to the petitioner, under the said Act and pass such further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case".

Arguments in this case were heard on 06-11-2006 and the case was adjourned to 13-11-2006 for further hearing. However, the matter could not be taken up on 13-11-2006 due to heavy rush of work.

Today, Shri G.Rama Rao, learned counsel for the petitioner made a request that his client may be permitted to withdraw the writ petition with liberty to file fresh one for grant of similar relief and also for quashing G.O.Ms.No.286, Agriculture and Cooperation (Marketing I) Department, dated 05-07-1994.

Shri K.Madhava Reddy, learned counsel for respondent No.1 pointed out that the validity of G.O.Ms.No.286 dated 05-07-1994 has already been upheld by the Division Bench of this Court in **Chodavaram Co-op Sugars Ltd., v. State of A.P**[1]. In reply, learned counsel for the petitioner submitted that his client would

like to challenge G.O.Ms.No.286 on other available grounds and he will convince the Court that the judgment of the Division Bench requires re-consideration.

Without commenting on the last mentioned submission of the learned counsel for the petitioner, we deem it proper to accept his request and dismiss the writ petition as withdrawn with liberty to his client to file fresh petition.

As a sequel to dismissal of the writ petition as withdrawn, interim order dated 22-09-1998 shall stand vacated and WPMP Nos.32358 of 1998 filed by the petitioner shall stand dismissed. Respondent No.1 shall be free to recover the arrears of market fee with interest subject to the right to the petitioner to seek interim relief from the Court.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

17-11-2006
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[1] 1997 (3) ALD 704